

IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

JUNE 2003

Budge Dedication Takes Place

The service on Idaho's highest court of the late Justice Alfred Budge was celebrated recently with the establishment of the "Justice Alfred Budge Visiting Jurist Program" at the University of Idaho.

Former Ada County District Judge Hamer Budge donated the funding to establish the program, which will allow current Idaho judges to participate in various activities at the Law School, including teaching, research and interaction with students. Law School Dean Donald L. Burnett, Jr. announced the gift. Judge Budge also donated two blue spruce trees and two stone benches in memory of his parents. The trees and benches were placed on the grounds of the Idaho Supreme Court.

Justice Alfred Budge served on the Idaho Supreme Court from 1914 - 1949.

The gifts were given in the memory of the Justice and his wife Ella Hoge Budge. A dedication ceremony was held outside the Supreme Court Building on May 23, 2003.



New Screening to Determine Chemical Dependency

The Idaho Department of Correction is adding a new screening evaluation to better determine the chemical dependency of criminal offenders. In addition to the Level of Service Inventory - Revised (LSI-R), all offenders will be screened with the TCU Drug Screen II (TCU-DS II) prior to sentencing, as part of the Pre-sentence Investigation (PSI). The new screen measures alcohol dependence as well as drug dependence. The TCU-DS II will soon be appearing in the PSI questionnaire. The evaluation is a simple screen that provides a preliminary indication of chemical dependence. It does not detail the depth, severity, or scope of a person's condition. Specifically, it will help solidify the assessment process, better match offenders with appropriate programs, and assist in statewide data collection.

2003 Kramer and Granata Awards

Nominations are now being received for the 2003 Douglas C. Kramer Award and the 2003 George G. Granata, Jr. Professionalism Award. Nominations should be submitted to Chief Judge Karen Lansing by July 18, 2003.

The Kramer Award, named in honor of retired Judge Douglas C. Kramer, is awarded annually to the person who best exemplifies excellence in judicial administration, by character and action. The George G. Granata, Jr. Professionalism Award, named in honor of the late District Judge George G. Granata, Jr., is awarded annually to the trial judge who best exemplifies the professionalism evidenced by Judge Granata during his more than twenty years of judicial service.

The Selection Committee members for the awards are:

- ♣ Hon. Karen Lansing, Chief Judge, Idaho Court of Appeals, Chair
- ♣ Hon. Roger Burdick, President, Idaho District Judges Association
- ♣ Hon. Robert Elgee, President, Idaho Magistrate Judges Association
- ♣ Dan English, President, Idaho Association of County Recorders and Clerks
- ♣ Patti Tobias, Administrative Director of the Courts

The winners of the awards will be announced at the Fall Administrative Conference on October 17, 2003.

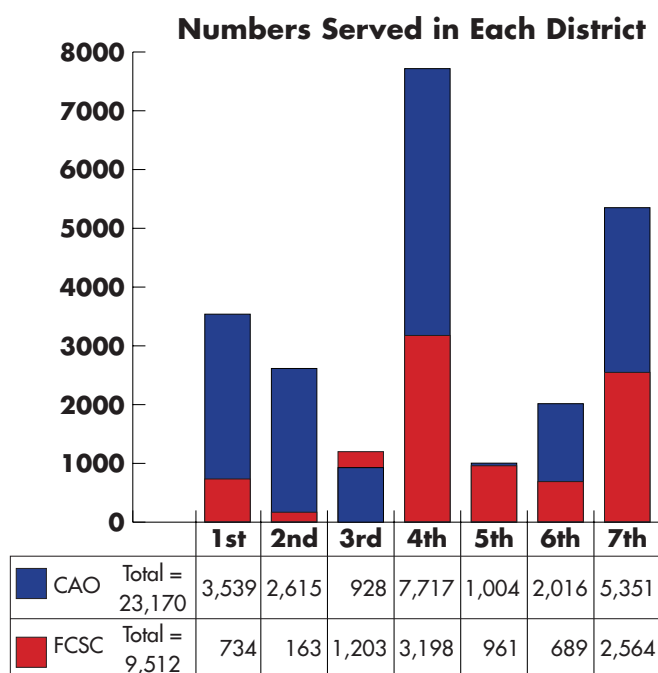
Enhanced Family Services in Place

Coordinated Family Services in Idaho include a range of court-connected services available for children and families involved in domestic relations cases that reduce conflict and increase positive outcomes.

Five of seven judicial districts have a Family Court Services Coordinator. The Coordinator is an important resource allowing a judge to assist with meeting the needs of a family.

Seventeen Court Assistance Officers work in twenty-six counties with services also available statewide from deputy court clerks. The offices provide access to legal referrals, forms and instructions in family law cases.

This graph details the number of Idahoans accessing services in 2002:



A number of programs to further serve families are being piloted in individual communities and on a statewide basis including:

- ⚖ Sandcastles Program for Children
- ⚖ Parenting Evaluation
- ⚖ Interim Parenting Time
- ⚖ Parenting Coordinators
- ⚖ Family Violence Court
- ⚖ Child Protection Case Coordination

Evaluation results will be included in the annual report.

Names Submitted to Governor for Justice Walters' Position

The Judicial Council submitted four names to Governor Kempthorne as the candidates for Justice of the Supreme Court: Hon. Roger Burdick, Kenneth Howard, Gardner Skinner, Jr., and Hon. Richard St. Clair.

Legislative Session Report Published

For a complete Legislative Session Summary, see the Legislative 2003 Sine Die report at: <http://www2.state.id.us/legislat/03sinedi.pdf>.

Bills of Interest to the Judiciary are highlighted at: <http://www2.state.id.us/judicial/summary03.pdf>.

Millennium Funds Approved

The Legislature appropriated Millennium Funds to the Supreme Court for another year to support "youth courts and status offender services programs as they relate to addressing tobacco and/or substance abuse issues." Trial Court Administrators and Administrative District Judges will be notified soon of budget request approvals for each district. Please call Sharon Burke 208-890-6626 or email sharonburke@rmci.net if you have questions.

Court Assistance Office

Court Assistance Office training at the University of Idaho College of Law had 27 men and women participating in the 2-day training session, May 29-30, 2003. The training was primarily for deputy court clerks from counties which do not currently have court assistance services. Frances Thompson, Court Assistance Officer in Latah County, conducted the training, with assistance from Project Director Pat Costello, Robert West and Bob Stout. Trainees included Corrie Keller, Director of Court Services for the Idaho Supreme Court, Trial Court Administrators Linda Wright (Fifth District) and Suzanne Johnson (Sixth District) and deputy court clerks and CAOs from 15 different counties in judicial districts one through six. Each participating county received a "CAO in a Box" kit, containing all of the court forms, instructions, and other materials necessary to start a court assistance program. Similar kits will be delivered to the remaining eight counties without trained CAOs.

There were 18 training evaluation forms returned by participants, who gave the CAO training an average 4.4 rating on a five-point scale. "I think the program is fun and exciting", wrote one trainee, adding: "I enjoyed it very much". "Frances knows everything", another trainee's evaluation read, noting all of the respondent's questions had been answered.

For more information, contact Pat Costello, 208-885-7077, or Frances Thompson, 208-882-8580 ext. 3500.



Youth Courts: Making a Difference

Thirteen years ago, Judge Charles Hay, Magistrate Judge in Ada County, and his wife, Bobbi Hay, piloted a project to intervene with teens caught using tobacco. A year later, alcohol and curfew violations were added and the age range of participants was expanded to include junior high students. Today, Ada County's Youth Court Program sentences over 300 teens a year, providing valuable education and understanding of the legal system to both teens being sentenced, as well as the many dedicated teen volunteers who operate the program.

Ada County Youth Court is a model for juvenile justice professionals around the state and has inspired the development of youth courts in six of seven judicial districts in Idaho.

Youth Courts are a diversion program for first-time offenders who plead guilty to offenses, including tobacco charges, alcohol

consumption or other non-violent crimes. Teen peers serve as attorneys, bailiffs, clerks, jurors and program coordinators generally with an adult judge presiding. Participation is voluntary with parent involvement encouraged. Youth courts require the offender to face his or her peers and accept a sentence that encourages accountability and positive development such as community service, tobacco and alcohol awareness programs, self-esteem courses, essay writing and/or Youth Court jury duty. Once the offender completes the sentence, the offense is dismissed from their record.



Youth Courts are currently located in 12 counties serving over 750 juveniles in a year. Of the teens sentenced in Youth Court, over 90% complete their sentence and 75% of these juveniles do not go on to re-offend within one year.

During the 2000 session, the Idaho Legislature recognized the importance of Youth Courts as a key component in the continuum of juvenile justice prevention and intervention programs, and appropriated Millennium Funds to build the capacity of community-based programs in the judicial districts that address tobacco and/or substance abuse in the state. Funds are currently available for Youth Courts under development, as well as other innovative programming designed to intervene with status offenders. For more information or to inquire about funding, please call Sharon Burke at 208-890-6626 or email sharonburke@rmci.net.



Orders/Rules

New Orders / Rule Changes:

<http://www2.state.id.us/judicial/rulesamd.htm>

Child Support Guidelines Published

The 2003 edition of the Idaho Child Support Guidelines is ready and available electronically at:

<http://www2.state.id.us/judicial/rules/icsg03.pdf>. It will also be included in the bench guide CD. The only change for 2003 is the new chart on the federal and Idaho income tax benefits recognized by the party entitled to claim the Federal Child Dependency Exemption, found in Section 8(c) of the guidelines. A new example and footnote accompany the chart.

In Re: Amendment of Idaho Child Support Guidelines Appendix "A" (I.R.C.P. 6(c)(6) - May 5, 2003, effective immediately

Amendment of Idaho Child Support Guidelines Section 8 (I.R.C.P. 6(c)(6) - April 18, 2003, effective July 1, 2003

Amendment of I.R.C.P. Rule 5(e)(2) - April 18, 2003, effective July 1, 2003

Amendments to I.B.C.R. Rules 203, 220, 305, deletion of Rule 707, Renumbering of Rule 708& 709 - March 17, 2003, effective immediately

Order concerning membership of Juvenile Rules Advisory Committee, effective immediately:

<http://www2.state.id.us/judicial/JUVMBR03.HTM>



A round-up of judicial personnel making news across Idaho

Justice Walters honored at Law School Graduation

Justice Jesse R. Walters was presented with the "Faculty Award of Legal Merit" at the May 17, 2003 Commencement in Moscow. The award is given each year to a graduate of the College.

The Award Of Legal Merit recognizes the outstanding contribution of an Idaho law graduate whose career exemplifies the best in the legal profession. This annual award is determined by a vote of the law faculty and is based on demonstrated standards of integrity, competence, service and leadership through work as a legal practitioner, service to the legal profession, service to the community, or service to business/state/national interests. The award is presented during the College of Law commencement ceremony. Nominations are submitted to the Dean of the College of Law and voted on by the faculty each spring. The award has been given since 1966.

A graduating student, Sheri Harer, who worked with the Justice in the 4-H "Know Your Government" program while she was attending law school, nominated Walters.

The College presented Justice Walters with a beautiful glass mantle clock engraved with his name, the Class of 1963 (the year he graduated from the law school) and stating: "For Extraordinary Service to the Legal Profession."

It should also be noted that Judges Beebe, Brumbach, Dennard, and Neville all had offspring in the Law School's 2003 graduating class.

Judges Woodland and Holloway to Retire

Two Idaho judges, with a combined 52 years of service, have announced retirement plans. Sixth District Judge W. H. Woodland and Cassia County Magistrate Judge Roy C. Holloway will retire and assume senior status. Woodland is retiring after 25 years on the bench and Holloway is retiring following 27 years of service. Both men said they are looking forward to more time with grandchildren, while still staying very active in their communities. Both agreed they enjoyed an extremely demanding, but rewarding and challenging career.

Q. What are your plans?

Judge Holloway: "I know that the Supreme Court has plenty of work for retired judges and I have indicated that I am certainly available to

serve as a retired judge when they need me. I've got lots of grand kids that will get to see a lot more of me. That was a primary consideration in my decision to retire at this time."

Judge Woodland: "I certainly hope to stay involved with the senior status program. I have 18 grandchildren and two kids still in college, so I'll be plenty busy."

Q. During your time as a judge what are some of the major changes that have taken place?

Woodland: "An obvious change that most people would observe is the growth of the criminal process. When I started as a judge I spent half my time on criminal cases and half on civil, or maybe even a third on criminal. The vast majority of the cases now are criminal. Civil caseloads have grown, too, but not nearly as much. A frustrating part of the criminal side is dealing with young people who, in many cases, have not committed one, single act to force them to end up in the penitentiary, but they have incrementally offended in such a way that there is not a choice, that is where they are going. Most of it, of course, is drugs and an unwillingness for them to change their lives."

Holloway: "I was just talking with Judge Crabtree the other day and reflecting on how things have changed since 1976 when I went on the bench. It is amazing what they paid Magistrates back in those days. I didn't earn \$20,000 the first year. It used to be that primarily, at least here, the overwhelming number of cases were fairly minor traffic offenses.

"But, there has been a marked change in the kinds of cases we have handled. A good example would be domestic violence cases, and those cases have become a major challenge for the court. We have also seen a shift in the whole function, or at least the perception of the function of the court by many people. We now expect judges to be almost proactive in some areas."

Q. As you contemplate retirement, what are the major challenges facing the judiciary in Idaho?

Holloway: "It is difficult to predict where things may go, but you see since 9-11 a major shift, at least on the part of the federal government, in civil liberties kinds of restrictions. More and more the court will be

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embroiled in that controversy. Courts will be called on to determine the extent to which the Constitution permits various types of encroachments. A few years ago, who could have predicted that?"

Woodland: "Clearly society is expecting more of the courts, but the demands on courts, from society in general, are not so different from the demands on other institutions, say the school system. So many of these issues (in courts and schools) used to be resolved by families. We need to start getting people to solve their own problems and not have some agency do it. We're seeing 7 or 8 year old kids brought into the system for stealing a candy bar, but that is not a criminal problem. That is a problem of society."

Applicants Announced for 5th District Judge

The Judicial Council has announced the list of applicants for retiring 5th District Judge Nathan Higer's position:

- ♣ George Bevan – Attorney in Twin Falls
- ♣ John Butler – Attorney in Twin Falls
- ♣ Richard Greenwood – Attorney in Twin Falls
- ♣ Brian Harper – Attorney in Twin Falls
- ♣ Randy Stoker – Magistrate Judge in Twin Falls

Interviews are scheduled for August 14, 2003.

Wilper Serves on Committee for DOC

Judge Ronald Wilper has agreed to serve another year on the Department of Correction's Offender Population Forecast Advisory Committee. This consensus work group is identifying trend changes and defining reasonable assumptions to be used in forecasting the impact of policy changes. The committee's input has enhanced the reliability and usefulness of the forecast results. Thank you, Judge Wilper!



Costello Full-Time at Law School

Pat Costello is in transition from being part-time to becoming a full-time professor at the University of Idaho Law School. This means that Costello will need to give up some of his duties on the Children & Families in the Courts Committee, but he hopes to continue as a member of the committee. Costello was recognized at the last committee meeting for the contributions he has made to his community in Northern Idaho, and for all the hard work he has given as a committee member and manager of many projects related to the committee's purposes.

As a former judge, Pat Costello contributed leadership, great skill and knowledge in his work with the committee. He will be missed by all.

Media/Court Committee

Angie Gaddy has been released from her position with the Media/Court Committee, and Dave Turner has been appointed to take her place.



Drug Court Institute

The second Annual Drug Court Institute was held recently in conjunction with the 19th annual Idaho Conference on Alcohol and Drug Dependence at Boise State University. Over 600 people participated in the joint ICADD / Drug Court Institute sessions to hear keynote presentation from Rabbi Abraham Twerski, M.D. (Spirituality and Recovery), Stanton Samenow, Ph.D. (Inside the Criminal Mind), Carlton Erickson, Ph.D. (Neurobiology of Addiction), Cardwell Nuckols, Ph.D. (Understanding and Treatment for Marijuana Abuse and Addiction), and Cheri Peters, (Miracles from the Streets).

Over 120 drug court team members, representing all seven judicial districts, participated in specific drug court sessions. The National Drug Court Institute sponsored presentations on Ethical Issues for Judges and Attorneys and



on Research-based Sanctions and Incentives, presented by Jeffrey Thomas, Esq., Public Defender from Mendocino County, California. Kenneth Robinson, Ed.D. presented an overview session on Moral Recognition Therapy, a research-based cognitive behavioral treatment model.

Norma Jaeger, statewide Drug Court Coordinator provided a two-day training on critical competencies for new drug court team members. In addition, Drug Court Institute participants could choose from more than 25 special topic sessions, including use of the LSI-R in assessment, cognitive self-change, treatment for Attention Deficit Disorder, Dialectical Behavioral Therapy for adolescents, Grief and Trauma Counseling, and other treatment related sessions.

This was the first time for the Drug Court Institute to join the statewide drug treatment conference and preliminary evaluations were very positive about the benefits of this collaboration and the many opportunities provided for interaction across the many disciplines represented.



Important Information on Year-end Procedures

Fiscal year-end is fast approaching and it is time to start thinking about year-end procedures. In order for travel claims and/or any other billings to be paid this fiscal year, they need to be received in the Court Services Office no later than June 20, 2003. This will ensure that payment is made in the fiscal year in which the travel or expense was incurred. If you have any travel claims or other bills not yet submitted that are several months old, please send them in ASAP. Thank you for your help with this request. If you have any questions, contact Court Services at 208-334-2248.

State Announces New Employee Web Portal

There is a new portal designed for use as a management tool and aide for state employees. The website provides one-stop access to state employment information such as state medical and dental benefits, pay and retirement information, and security notices. The website is at: <http://www2.state.id.us/empportal>.

Odds & Ends

Clerks Manual CD – Question of the Month

I am a new deputy clerk and want to know the procedures to set an Admit/Deny Hearing for a juvenile. What Clerks Manual CD section would give me the answer?



Be the first to submit the correct answer to sharonburke@rmci.net and win a prize!

The Ada County Family Violence Court Project is highlighted in the first newsletter of the Rocky Mountain Quality Improvement Center: http://www.americanhumane.org/site/PageServer?pagename=pc_best_practice_rmqc_newsletter_pg2

Liberty Bell Award 2003 was presented recently to Boise attorney Craig L. Meadows by the 4th District Judiciary, officials of the State Bar, and the 4th District Bar Association.

Celia Heady resigns as Executive Director of the Idaho Council on Domestic Violence and Victim Assistance. Her resignation was effective May 15. Recruitment is underway.

Info from Idaho Legal Aid

There is now a new Idaho Senior Legal Hotline: 1-866-345-0106 / if calling in the Boise Area: 345-0106 / for Spanish speaking callers: 1-866-954-2591. The website for Idaho Legal Aid Services is: <http://www.idaholegalaid.org/index.htm>.

Bulletins Available from OJJDP

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) announces the availability of three bulletins:

"Risk and Protective Factors of Child Delinquency is available online at <http://ojjdp.ncjrs.org/pubs/delinq.html#193409>.

"Race as a Factor in Juvenile Arrests." is available online at <http://ojjdp.ncjrs.org/pubs/general.html#189180>.

"Best Practices in Juvenile Accountability: Overview," available online at <http://ojjdp.ncjrs.org/pubs/general.html#184745>.

Governor's Coordinating Council for Families and Children

The fourth annual Governor's Roundtables for Families & Children. For dates, locations, and registration information, go to: <http://www2.state.id.us/gcc/roundtable4.html>.

Court Interpreters Certified

Congratulations are in order for Fatima Cornwall and Maria Gonzalez Mabbutt, two newly certified court interpreters. For more information about Idaho's court interpreter program, go to: <http://www2.state.id.us/judicial/language.htm>.



JUDICIAL EDUCATION

Bellwood Lecture Announced

The University of Idaho and the College of Law announced that U.S. Supreme Court Associate Justice Ruth Bader Ginsburg be the speaker at the next Bellwood Lecture, scheduled to be held at the University of Idaho on September 18, 2003.

Other notable Bellwood Lecturers have included Charles F. Wilkinson, Sandra Day O'Connor, David Halberstam, Martha Nussbaum, Antonin Scalia, Janet Reno, and Bryan Stevenson. For more information about the College of Law's Bellwood Lecture program, call 208-885-4977.

Crime Victim Assistance Conference

The "Three Days in June" conference was held June 9, 10 and 11, at the Doubletree Hotel Riverside, Boise. Justice Wayne L. Kidwell made the opening remarks. Judges Castleton, Redman, and Duff highlighted recent innovations in the Idaho courts during two different workshops.

Patti Tobias Receives Award

Patti Tobias was honored with the "Public Policy Leadership Award" at the recent Attorney General's luncheon, part of the 10th Annual Governor's Training Conference on Crime Victim Assistance.

Committee Members Recognized

Congratulations to the 2003 winners of the Boise State Foundations Scholar Awards, who were honored during an on-campus luncheon. Les Alm, Professor of Political Science, is the winner in the Teaching Category. Additional information about the Foundation Scholar winners is available on the Web at <http://news.boisestate.edu/newsrelease/052003/0501scholarfacultywinners.html>

Court Reporters Hold Seminar

The Court Reporters Association held a seminar in May at the Owyhee Plaza Hotel in Boise. The agenda included CPR training, information on effective grassroots lobbying, and a presentation by a member of the BANDIT task force on how to identify a methamphetamine lab.

Important Websites

Idaho Supreme Court:

<http://www2.state.id.us/judicial/>

Idaho State Law Library:

<http://www2.state.id.us/lawlib/lawlib.html>

Idaho State Bar:

<http://www2.state.id.us/isb>

Court Assistance Offices:

<http://www2.state.id.us/cao>

Idaho Law Foundation 2001 – 2002 Annual Report Online:

http://www2.state.id.us/isb/gen/ilf_info.htm#Annual

National Center for State Courts:

<http://www.ncsconline.org>

Brennan Center's "Court Pester E-Alert" Available Online

<http://www.brennancenter.org/programs/pester/pages/> includes articles on issues such as: attacks on the judiciary, defending judicial independence, state judicial elections, judicial appointments in the states, judicial salaries, and other related topics. Previous editions of the Brennan Center Court Pester E-alert are available on the Brennan Center website at www.brennancenter.org. If you would like to receive this service, contact the Brennan Center by e-mailing laura.moulton@nyu.edu.



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Chief Justice Linda Copple Trout

Justice Gerald F. Schroeder

Justice Jesse R. Walters, Jr.

Justice Wayne L. Kidwell

Justice Daniel T. Eismann

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

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Thanks!



Note: For the most up-to-date Judicial Calendar,
check the Judiciary's homepage at
<http://www2.state.id.us/judicial/calendar.htm>

